

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

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SUBSTANTIVE AMENDMENTS TO LOCAL RULES  
EFFECTIVE DECEMBER 1, 2018

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**CIVIL RULES**

**1.1 General Rules**

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(b) **Effective Date.** Effective January 1, 1996, as amended December 1, 2017~~18~~.

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**5.3 Citation Format for Opinions Issued by This Court**

(a) **Reported Opinions.** Opinions that are reported in the Federal Supplement, the Federal Rules Service, or the Federal Rules Decisions, Westlaw, or Lexis shall be cited either by citing to the reporter or service in which the opinion is published, or by using the citation format specified in subsection (b).

(b) **~~Unreported~~ Opinions Published on the Court's Web Site and Issued After January 1, 2000.** ~~Unreported~~ Opinions that are published on the court's web site ([www.nhd.uscourts.gov](http://www.nhd.uscourts.gov)) and issued after January 1, 2000, which are accessible without charge, ~~shall~~ may be cited using the four-digit year in which the opinion is issued, the letters "DNH," the three-digit opinion number located below the docket number on the right side of the case caption and, where reference is made to specific material within the opinion, the page number that appears in the Portable Document Format (PDF) version of the opinion that is available on the court's web site, e.g., United States v. Smith, 2000 DNH 001, 6.

(c) **~~Other~~ Unreported Opinions.** All other opinions shall be cited using the citation form for unreported decisions suggested in the Blue Book.

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## 5.4 Filing and Service by Electronic Means

(a) **Filing.** Pursuant to Fed. R. Civ. P. 5(d)(3) and Fed. R. Crim. P. 49(d), the clerk's office will accept papers filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes, and that comply with procedures for electronic filing established by the court. ~~A paper filed by electronic means in compliance with this Rule and the Administrative Procedures for Electronic Case Filing constitutes a written paper for the purposes of applying these rules and the Federal Rules of Civil and Criminal Procedure and constitutes entry of the pleading or other paper on the docket kept by the clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 49 and 55.~~

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## 9.1 Social Security Cases

The following procedures shall govern all actions challenging a final decision of the Commissioner of the Social Security Administration filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

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~~(d) The plaintiff may file a reply memorandum pursuant to LR 7.1(e)(1). Neither party shall otherwise be required to file an objection to the other party's motion. Within seven (7) days of the service of the defendant's Motion for Order Affirming Decision of Commissioner, the plaintiff may file a response not to exceed ten (10) pages. Further filings are not encouraged and should be submitted only in exceptional circumstances.~~

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## 47.1 Dissemination of Juror Questionnaires

No later than five (5) business days prior to the date of the first trial period in the current ~~two-month~~ one-month term of service, the clerk's office shall maintain and make available copies of any completed juror questionnaire forms optionally provided to the court, to attorneys, their agents and to pro se parties actually involved in cases scheduled for trial.

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## **62.1 Supersedeas Bonds or Other Security Staying Execution of Money Judgment**

A supersedeas bond or other security staying execution of a money judgment shall be in the amount of the judgment, plus interest at a rate consistent with 28 U.S.C. § 1961(a), plus an amount to be set by the court to cover costs and any award of damages for delay. The parties may waive the supersedeas bond or other security by stipulation without order of the court.

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## **SUPPLEMENTAL RULES FOR ELECTRONIC CASE FILING**

### **2.1 Scope of Electronic Filing**

(a) **Applicability Case Exemption.** ~~Except as provided herein, all documents submitted for filing by an attorney admitted to practice in this district, including counsel admitted pro hac vice, shall be electronically filed in PDF format using ECF. An assigned judicial officer has the discretion to exempt a case, in whole or in part, from ECF.~~

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### **2.7 Signatures on Electronically Filed Documents**

(a) **Attorneys.**

~~(1) **Log-In/Password Constitute Signature.** The Filing User's log-in and password required to submit documents through ECF shall serve as the Filing User's signature on all electronically filed documents. They also serve as the signature for purposes of the Federal Rules of Civil/Criminal Procedure, local rules of this court, and any other purpose for which a signature is required in connection with proceedings before this court.~~

(2) **Form of Signature.** All electronically filed documents must include a signature block and must set forth the Filing User's name, bar registration number, address, primary telephone number, and e-mail address. The name of the Filing User under whose log-in and password the document is submitted must be preceded by a "/s/ [Insert Signatory's Name]" and typed in the space where the signature would otherwise appear.

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## 2.8 Service of Electronically Filed Documents

~~(a)~~ **Consent to Electronic Service.** Registration as a participant in the court's ECF system constitutes consent to electronic service of all electronically filed documents in ECF cases as provided in these procedures.

~~(b)~~ **Electronic Service Defined.** Pursuant to Fed. R. Civ. P. 5(d) and Fed. R. Crim. P. 49(b), receipt of the Notice of Electronic Filing generated by the court's ECF system shall constitute the equivalent of service of the pleading or other paper on Filing Users and shall be deemed to satisfy the requirements of Fed. R. Civ. P. 5(b)(2)(E) and 77(d)(1) and Fed. R. Crim. P. 49(b).

~~(c)~~**(a)** **Proof of Electronic Service.** The ECF system generated Notice of Electronic Filing constitutes proof of service upon a Filing User in accordance with the Fed. R. Civ. P. 5(d).

~~(d)~~**(b)** **Conventional Service of Electronically Filed Documents.** Attorneys and pro se litigants who are not Filing Users must be conventionally served with any electronically filed pleading or other document in accordance with the Federal Rules of Civil/Criminal Procedure.

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## 6.2 Registration

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~~(b)~~ **Consent to Electronic Service.** Registration constitutes consent to electronic service of all electronically filed documents as provided herein.

~~(c)~~**(b)** **Log-In/Password Usage.** No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User, such as a designated ECF filing assistant. The use of a Filing User's log-in and password by another attorney or other authorized agent shall be deemed to be the act of the Filing User.

~~(d)~~**(c)** **Obligation to Protect Password.** Filing Users may change their passwords. If a Filing User learns that the security of their password has been compromised, they must immediately change their password and notify the clerk's office help desk.

~~(e)~~**(d)** **Obligation to Update Information.** A Filing User has an obligation to notify the clerk's office of any change in the following information associated with his or her ECF filing account: name; mailing address; firm name or affiliation; or primary telephone number. If participating in an active ECF case, a Filing User shall provide written notice of such change through the use of the "Notice of Change of Address" event in ECF in

each active case. Filing Users are required to maintain the primary and any secondary email addresses associated with their accounts by logging into ECF and making changes in a timely manner. Filing Users are also obligated to ensure that the email addresses associated with their ECF accounts are able to successfully accept notices from the court. The court is not responsible for notices that are rejected by a Filing User's primary and/or secondary email address. The court reserves the right to remove invalid email addresses from a Filing User's account without notice.

**~~(f)~~(e) PACER Registration.** A Filing User shall register with PACER and maintain a current user ID and password.

**~~(g)~~(f) Withdrawal as Registered User.** Once registered, an attorney of record in an active ECF case may withdraw from participating in the ECF system only upon motion in that case. Otherwise, an attorney may withdraw from participating in the ECF system by providing the clerk's office with a written notice of withdrawal. Upon receipt, the clerk's office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in the ECF system will not be construed as authorization for the attorney to file cases or documents conventionally unless so authorized by court order.